

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1728.01
COMPLAINT INVESTIGATOR: John Hill
DATE OF COMPLAINT: April 6, 2001
DATE OF REPORT: May 4, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: September 18, 2001

COMPLAINT ISSUES:

Whether the Portage Township Schools and the Porter County Educational Interlocal violated:

- 511 IAC 7-27-4(a)(5) with regard to the school's alleged failure to convene a case conference committee (the "CCC") meeting within ten instructional days of the enrollment date of a student who had been receiving special education services in another state or district within the state.
- 511 IAC 7-27-2(a) with regard to the school's alleged failure to schedule a CCC meeting at a date, time, and location mutually agreed upon with the parent.
- 511 IAC 7-27-2(c) and 511 IAC 7-17-3 with regard to the school's alleged failure to provide the parent with adequate notice of the CCC meeting.
- 511 IAC 7-18-2(a) and 511 IAC 7-17-36 with regard to the school's alleged failure to provide a student with a disability a free appropriate public education.

Subsequent to notifying the school of the issues raised by the Complainant, the Division discovered it had omitted the following issue raised in the letter of complaint:

- 511 IAC 7-27-7(d) with regard to the school's alleged continued implementation of an IEP for a period of more than twelve months.

FINDINGS OF FACT:

1. The student is a fifteen-year-old, ninth grade student who was eligible for special education and related services in Missouri and Louisiana as a student with an other health impairment (OHI). The student moved to Indiana in October 2000 and enrolled at the local high school. The *Student Enrollment Form* completed by the parent on October 9, 2000, states that the student received special education services at the school he attended prior to moving to Indiana; however, the parent did not provide the school with a copy of the student's IEP. The school took no action to determine if the student was eligible for special education services based on Indiana's eligibility criteria.

2. On February 27, 2001, the student's parent contacted the student's guidance counselor and indicated that the student was in need of additional assistance with his classes. As a result of the parent's request for additional assistance the guidance counselor notified the local Director of Special Education on March 5, 2001, that the school had failed to follow the appropriate procedures in October when enrolling a student who had been receiving special education services in another state.
3. On March 13, 2001, the parent was notified by telephone that a CCC meeting had been scheduled for March 22, 2001; however, the parent was not able to attend due to transportation problems. The CCC was rescheduled to be convened on April 2, 2001, to accommodate the parent's transportation arrangements. The parent attended the April 2, 2001, CCC meeting.
4. The parent did not receive prior written notification of the CCC scheduled for March 22, 2001, or the CCC conducted on April 2, 2001.
5. The April 2, 2001, CCC reviewed the student's current academic performance and medical condition. The parent indicated that the student has not taken any medication in over two years for the bipolar disorder or the seizure disorder and that it had been over four years since the student has had a seizure. The CCC agreed to refer the student for an evaluation to determine the student's eligibility for special education and related services. The CCC also developed an IEP to provide the student with supports during the evaluation period.
6. The school did not enroll the student as a special education student, thus the school did not develop or implement an IEP prior to the April 2, 2001, CCC.

CONCLUSIONS:

1. Findings of Fact #1, #2, and #5 reflect that the school failed to convene a CCC meeting within ten instructional days of the enrollment date of a student who had been receiving special education services in another state. Therefore, a violation of 511 IAC 7-27-4(a)(5) is found.
2. Finding of Fact #3 establishes that the school convened the April 2, 2001, CCC on a date, time and location that was mutually agreed upon by the parent. Therefore, no violation of 511 IAC 7-27-2(a) is found.
3. Finding of Fact #4 indicates that the school failed to provide the parent with adequate notice of the CCC meeting. Therefore, violations of 511 IAC 7-27-2(c) and 511 IAC 7-17-3 are found.

4. Findings of Fact #1 and #5 demonstrate that the school failed to provide a student with a disability a free appropriate public education. Therefore, violations of 511 IAC 7-18-2(a) and 511 IAC 7-17-36 are found.
5. Finding of Fact #6 reveals that the school was not implementing an IEP for a period of more than twelve months. Therefore, no violation of 511 IAC 7-27-7(d) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Portage Township Schools and the Porter County Educational Interlocal shall:

1. Complete the student's educational evaluation and conduct the CCC meeting to determine the student's eligibility for special education and related services, and if determined eligible, the need for compensatory services by May 31, 2001. Submit a copy of the CCC Report/IEP to the Division no later than June 8, 2001.
2. In-Service all appropriate staff regarding the requirements as specified in:
 - 511 IAC 7-27-4(a)(5);
 - 511 IAC 7-27-2(c);
 - 511 IAC 7-17-3;
 - 511 IAC 7-18-2(a); and
 - 511 IAC 7-17-36.

Submit documentation to the Division that the in-service has been completed no later than September 21, 2001. The documentation should include a list or agenda of all issues discussed, any handouts that were distributed and list of attendees by name and title.

DATE REPORT COMPLETED: May 04, 2001